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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 2:05 CR 20186-006

VS. : JUDGE MINALDI

MARTY JOSEPH NUNEZ : MAGISTRATE JUDGE WILSON

MEMORANDUM RULING

The defendant has filed objections to the Presentence Report ("PSR") prepared by the Probation Department. The Government has indicated that it will not present evidence to establish relevant conduct at the sentencing hearing. Therefore, the court will rely upon the amount stipulated in the Factual Basis for the defendant's guilty plea to determine the correct base offense level.

The Factual Basis contained the following paragraph:

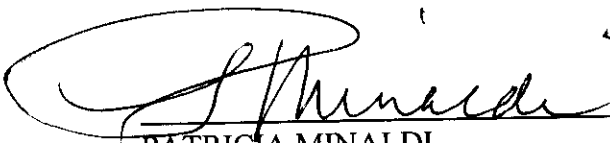
The defendant stipulates that the conspiracy with Harger involved 500 or more grams of cocaine.

To establish a base offense level, this quantity of cocaine must be converted to an equivalent weight of marijuana. 500 grams of cocaine converts to 100,000 grams or 100 kilograms of marijuana. U.S.S.G. § 2D1.1(c)(7) provides that if the amount is between 100 kilograms and 400 kilograms, the base offense level is 26.

The defendant is entitled to a 3 point reduction for acceptance of responsibility, leaving a total offense level of 23. With a Criminal History Category of IV, the applicable guideline range is

70 to 87 months.

Lake Charles, Louisiana, this 30 day of March, 2007.



PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE